



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109 - 3912

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 16 2010

Mr. John Wilbur, President
Consolidated Industries, Inc.
677 Mixville Road
Cheshire, CT 06410

Re: Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604(e)(2)

Dear Mr. Wilbur:

On April 19, 2010, a representative from the United States Environmental Protection Agency (EPA) conducted an inspection of Consolidated Industries, Inc. ("Consolidated"), located at 677 Mixville Road, Cheshire, Connecticut ("Cheshire Facility"). The purpose of this inspection was, in part, to determine Consolidated's compliance status with EPCRA Section 313 Toxic Release Inventory requirements. However, during the inspection issues were identified concerning compliance with Section 112(r) of the amended Clean Air Act (CAA), 42 U.S.C. § 7412(r), and implementing Risk Management Program ("RMP") regulations set forth at 40 C.F.R. Part 68. CAA Section 112(r) and its implementing regulations mandate a federal focus on the prevention of chemical accidents. One objective of the RMP requirements is to prevent accidental releases of substances that can cause serious harm to public health and the environment.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine its compliance with the CAA. Likewise, Section 104(e)(2), of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances. **To enable EPA to determine the compliance status of the Cheshire Facility, responses to the enclosed list of questions (Attachment 2) must be furnished within thirty (30) calendar days of your receipt of this letter.**

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within thirty (30) days of receipt of this letter can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you.

You are required to submit the above-referenced information to:

Chris Rascher, RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship (Mail Code OES05-1)
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. In addition to the request for information under CAA and CERCLA, EPA has a follow-up question regarding Consolidated's compliance with EPCRA Section 313 TRI requirements. While a response to the EPCRA question is not mandatory, EPA would appreciate your cooperation in answering it. If you have any questions with regard to this Information Request, please contact Mr. Chris Rascher of my staff at (617) 918-1834.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Enclosures

cc: Chris Rascher, EPA

ATTACHMENT 1

Instructions: Complete and Include With Your Response

DECLARATION

I declare under penalty of perjury that I am

the _____ of _____
[Title] [Name of Facility]

that I am authorized to respond on behalf of

_____ and that the foregoing is a
[Name of Facility].

complete, true, and correct response

Executed on _____
[Date]

[Signature]

[Type Name and Title]

ATTACHMENT 2

Guidance on How to Respond. You must submit all responsive documents. Please respond separately to each of the questions, referencing each question by number in your answer. The response must include copies of all records and information which you reference in your response or which you feel are relevant to the information being requested. "Records" and "information" and "document" means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records (**including electronic records**) of any type or description, however created, produced or reproduced.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Chris Rascher of this fact as soon as possible and provide EPA with a corrected response.

Questions

For the period from January 1, 2007, to the present, provide a separate numbered response to each numbered paragraph or subparagraph below. **To the extent that you believe that you have answered a question in another section, please refer to the section and answer you have provided. If the answer to any of the questions below is contained in Consolidated's Risk Management Plan (RMP), you may provide a copy of the plan and refer to the appropriate section in lieu of answering the question, provided that the RMP reference is accurate and fully answers the question posed.**

Company Information

1. Provide the following information about Consolidated
 - a) Describe the ownership and business structure;
 - b) Indicate the date and state of incorporation;

- c) List any partners or corporate officers;
- d) List any parent and subsidiary corporations or divisions;
- e) Provide the number of employees at the Cheshire Facility; and
- f) List Consolidated's facilities nationwide, the activities performed at the facilities, and provide the address for each facility.

Facility

- 2. Provide a plan or plans of the Cheshire Facility showing its layout, including the location of production and etch tanks, process vessels, process equipment and storage containers (including tanks, totes, drums, and other containers.) The plan also should illustrate where specific chemicals are stored, the location of sprinkler systems, chemical detectors, heating/air conditioning and ventilation systems, emergency ventilation systems, emergency alarms, exits, electrical transformers, emergency response equipment, and exhaust fans.

Chemicals On-Site

- 3. Provide the maximum and typical amounts of hydrofluoric acid and nitric acid stored at any and all locations at the Cheshire Facility in each calendar year from January 1, 2007 to the present and provide any available documentation that supports your response.
- 4. For the hydrofluoric acid and nitric acid listed in response to Question 3, provide the maximum and typical storage amount at each location at the facility for each substance in the time frame of each calendar year from January 1, 2007 to the present as (a) aggregated over the entire facility and as (b) contained in each "process" as that term is defined in 40 C.F.R. § 68.3. (Note that EPA generally considers that chemicals stored in the same warehouse or rooms are stored in one "process".)
- 5. For each substance and maximum storage amount listed in response to Question 4, provide an explanation of how you determined the storage quantities, and provide copies of documentation (e.g., inventory records, invoices, etc.) that support your response.
- 6. For the substances listed in response to Question 3, describe the types and sizes of containers used to store each individual substance, including the number of each type of container, and where each substance is stored.

Training

- 7. Provide the name, title and telephone number for employees at the Cheshire Facility who have hazardous material management and/or emergency response responsibilities. Describe all the appropriate and relevant training these employees have.

8. Describe all employee health and safety training conducted by either the Health and Safety Officer, by a responsible official, or by a private consultant, including the dates training was provided, and a list of the employees trained at the Cheshire Facility (including their names, titles, telephone numbers and a statement of whether or not they are still employed at Consolidated Industries). Include all safety training material, including but not limited to material demonstrating that employees are trained to recognize emergency situations. Describe any spill and/or incident release assessment and response training, and provide documentation for such training that occurred in the past five years. Include a summary description of the each trainer's qualifications. Submit any other certificates of training as they pertain to chemical handling.

Hazards Analysis and Process Operations

9. Please describe all manufacturing processes at the facility involving the handling, storage, blending, mixing, or processing of hydrofluoric acid and nitric acid, from January 1, 2007 to the present. Provide a narrative explanation and a simplified process flow diagram of these processes, including all piping and instrument diagrams. Describe how these acids are added to the process and mix tanks. Provide a detailed description of how these chemicals are used, stored, blended, and added to the etch tanks. Describe how hydrofluoric and nitric acid is pumped or transferred from vessel to vessel.
10. Identify the opportunities for equipment malfunctions or human errors that could cause accidental chemical releases at the Cheshire Facility.
11. Provide any written hazards analysis that has been completed for the Cheshire Facility.
12. Describe the equipment used at the Cheshire Facility to store, transfer and transport all hydrofluoric acid and nitric acid.
13. Describe the design elements and operating procedures in existence at the facility to minimize the likelihood of chemical accidents and to mitigate their potential consequences.

Emergency Response

14. Provide documentation of spill scenario evaluations and response procedures developed by the Cheshire Facility. Identify the number of employees in the finishing building (also known as finishing plant 3). Describe evacuation plans of these employees in case of a spill of the substances listed above. Describe the health and safety training these employees have received. Where are these employees located during transfer of HF and HNO₃ to the etch tanks?
15. Describe existing emergency spill response equipment at the Cheshire Facility. Indicate on the facility diagram the location of this equipment. Provide proof that the equipment has been timely tested for the past three years.

16. Identify and describe any (and all) releases or spills of chemicals listed in 40 C.F.R. § 68.130 and C.F.R. § 302.4 that have occurred at the Cheshire Facility since January 1, 2007. Indicate which chemical(s) was released and describe any actions taken in response to the spill or release at this facility.

RMP

17. Provide a copy of Consolidated's full Risk Management Plan for the Cheshire Facility, if available. Please state if one does not exist.

Toxic Release Inventory Questions

Please provide the following additional information which relates to the Facility's compliance with the Emergency Planning and Community Right to Know Act (EPCRA) Section 313, 42 U.S.C. § 11023 (also known as the Toxic Release Inventory).

For each of the toxic chemicals tabulated below, please provide the amount manufactured, processed, or otherwise used for each calendar year 2007 through 2009. There may be additional TRI chemicals that must be reported as well. Please identify and report all TRI chemicals.

2006	2007	2008
Nickel and Nickel Compounds	Nickel and Nickel Compounds	Nickel and Nickel Compounds
Copper and Copper Compounds	Copper and Copper Compounds	Copper and Copper Compounds
Lead and Lead Compounds	Lead and Lead Compounds	Lead and Lead Compounds
Manganese and Manganese Compounds	Manganese and Manganese Compounds	Manganese and Manganese Compounds
Chromium and Chromium Compounds	Chromium and Chromium Compounds	Chromium and Chromium Compounds
Vanadium and vanadium Compounds	Vanadium and Vanadium Compounds	Vanadium and vanadium Compounds
Nitrate Compounds	Nitrate Compounds	Nitrate Compounds

Nitric Acid	Nitric Acid	Nitric Acid
Hydrofluoric Acid	Hydrofluoric Acid	Hydrofluoric Acid

Please note that the reporting threshold for most TRI chemicals manufactured or processed is 25,000 pounds, however, the "otherwise use" reporting threshold is 10,000 pounds, and the reporting threshold for lead and lead compounds is 100 pounds.